

APPENDIX

Sent to Governor
(February 9, 1989)

S.C.R. 7

S.C.R. 19

S.C.R. 27

S.C.R. 28

TWELFTH DAY

(Monday, February 13, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Dr. Browning Ware, First Baptist Church, Austin, Texas, offered the invocation as follows:

Eternal God, Lord of each of us, we ask You very often to sponsor and support our desires. Today, we seek the wisdom and courage to support Your will for our world. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 9, 1989, was dispensed with and the Journal was approved.

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolution:

S.C.R. 34

REPORTS OF STANDING COMMITTEES

Senator McFarland submitted the following report for the Committee on Criminal Justice:

S.B. 72

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 160

C.S.S.B. 201

C.S.S.B. 334

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 447 by Brooks Economic Development
Relating to the application of certain gambling offenses to ocean-going vessels.

S.B. 448 by Harris Economic Development
Relating to the regulation and licensing of entities who operate facilities for greyhound racing, horse racing, or training greyhounds or horses for racing.

S.B. 449 by Johnson Jurisprudence
Relating to the recording of an instrument relating to real property.

S.B. 450 by Krier State Affairs
Relating to conducting and financing primary elections.

S.B. 451 by Krier Finance
Relating to the rights of taxpayers and the obligations of taxing authorities.

S.B. 452 by Krier Jurisprudence
Relating to certain technical and other corrections and revisions to the Property Code.

S.B. 453 by Carriker Intergovernmental Relations
Relating to use of compensatory time by fire fighters and police officers in certain cities.

S.B. 454 by Green Economic Development
Relating to the licensing and regulation of interior designers; providing penalties.

S.B. 455 by Parmer Intergovernmental Relations
Relating to the purchasing practices of municipalities, counties, school districts, and certain other political subdivisions; providing criminal penalties.

S.B. 456 by Truan Health and Human Services
Relating to adoption of rules governing hospital admissions of emergency maternity patients.

S.B. 457 by Parker Education
Relating to higher education and the composition, continuation, and functions of the Texas Higher Education Coordinating Board.

S.B. 458 by Barrientos Health and Human Services
Relating to the inclusion of the services of certain professional counselors in health insurance coverage.

S.B. 459 by Barrientos State Affairs
Relating to the requirement that a state agency pay the costs of testing and counseling an employee who may have been exposed to human immunodeficiency virus while performing duties of state employment.

S.B. 460 by Barrientos Intergovernmental Relations
Relating to legislative leave for peace officers and fire fighters.

S.B. 461 by Barrientos State Affairs
Relating to credit in the Employees Retirement System of Texas or the Teacher Retirement System of Texas for accumulated sick leave.

S.B. 462 by Glasgow State Affairs
Relating to a prohibition on requiring a peace officer to issue a specified number of traffic citations.

- S.B. 463** by Glasgow Health and Human Services
Relating to the establishment of a community mental health or mental retardation center.
- S.B. 464** by Glasgow Jurisprudence
Relating to a limit on the liability of certain professional corporations, associations, and partnerships, and their members, officers, and employees.
- S.B. 465** by Glasgow Jurisprudence
Relating to the bifurcation of the trial of a health care liability claim.
- S.B. 466** by Caperton Education
Relating to sick leave for public school teachers.
- S.B. 467** by Santiesteban Criminal Justice
Relating to the offenses of aggravated assault and deadly assault on certain probation personnel and to defining violations of certain conditions of probation as "escape" for the purposes of the Penal Code.
- S.B. 468** by Washington Jurisprudence
Relating to the inheritance rights of illegitimate children.
- S.B. 469** by Washington Economic Development
Relating to notice to certain employees of rights to purchase conversion policies.
- S.B. 470** by Washington Economic Development
Relating to minimum standards and premium limits for health insurance conversion policies.
- S.B. 471** by Washington Health and Human Services
Relating to collection of information concerning health insurance coverage for acquired immune deficiency syndrome and human immunodeficiency virus and requiring coverage under certain circumstances.
- S.B. 472** by Washington Economic Development
Relating to limitations of services and benefits under certain health insurance arrangements on renegotiation or amendment of contracts.
- S.B. 473** by Washington Health and Human Services
Relating to disapproval by the State Board of Insurance or the commissioner of insurance of certain policies, contracts, certificates, evidences of coverage, riders, endorsements, and amendments that include exclusionary provisions or certain limitations on coverage of acquired immune deficiency syndrome or human immunodeficiency virus.
- S.B. 474** by Washington Health and Human Services
Relating to minimum requirements for coverage of acquired immune deficiency syndrome and human immunodeficiency virus under certain health insurance.
- S.B. 475** by Washington Finance
Relating to the imposition, administration, collection, and civil and criminal enforcement of a corporate profits tax.
- S.B. 476** by Washington Finance
Relating to the imposition, collection, administration, and civil and criminal enforcement of a tax on the income of certain resident and nonresident individuals, trusts and estates, and partnerships.
- S.B. 477** by Parker Finance
Relating to the allocation of certain constitutionally dedicated funds to eligible institutions of higher education.

- S.B. 478** by Parker Education
Relating to cooperative educational decision making for certain school districts and their employees.
- S.B. 479** by Barrientos State Affairs
Relating to the continuation, powers, and duties of the Commission on Human Rights.
- S.B. 480** by Barrientos Health and Human Services
Relating to registered nurses administering medications prescribed by persons licensed by the Texas State Board of Podiatry Examiners.
- S.B. 481** by Barrientos State Affairs
Relating to the continuation, powers, and duties of the Texas Indian Commission.
- S.B. 482** by Carriker Health and Human Services
Relating to the functions of the Texas Department on Aging and the area agencies on aging and the establishment of the Options for Independent Living program.
- S.B. 483** by Carriker Intergovernmental Relations
Relating to the qualifications of retired judges to be appointed as special county judges in certain counties.
- S.B. 484** by Tejeda Health and Human Services
Relating to emergency medical services and trauma care systems and to the provision of emergency medical services.
- S.B. 485** by Brooks Education
Relating to an exemption from tuition and laboratory fees for volunteer fire fighters enrolled in certain courses at public institutions of higher education.
- S.B. 486** by Brooks Health and Human Services
Relating to certain powers and duties that may be exercised by a doctor of osteopathic medicine.
- S.B. 487** by Brooks, Zaffirini Health and Human Services
Relating to the provision of long-term health care.
- S.B. 488** by Uribe Intergovernmental Relations
Relating to the authority of the Commissioners Court of Cameron County to order road improvements and to levy assessments for that purpose.
- S.B. 489** by Santiesteban, Barrientos Natural Resources
Relating to the continuation, powers, and duties of the Department of Agriculture and the State Seed and Plant Board and to the authority of other agencies that regulate pesticide use; providing penalties.
- S.B. 490** by Montford State Affairs
Relating to membership, participation, and credit in, and benefits and administration of, the Teacher Retirement System of Texas and programs administered by the retirement system.
- S.B. 491** by Glasgow Intergovernmental Relations
Relating to a program to develop, restore, and preserve central business districts of certain cities.
- S.B. 492** by Armbrister State Affairs
Relating to notification of an employer regarding an unemployment compensation claim.

S.B. 493 by Armbrister State Affairs
Relating to certain performance bond requirements in state purchasing.

S.B. 494 by Armbrister Criminal Justice
Relating to the offense of theft of service.

S.B. 495 by Parker Health and Human Services
Relating to industrial ambulances and the definition of authorized emergency vehicle.

S.B. 496 by Sims State Affairs
Relating to prohibiting board and commission members of certain state agencies from being employed by their former agency for two years.

S.B. 497 by Sims Natural Resources
Relating to the continuation and functions of the Texas Animal Health Commission; providing criminal penalties.

S.C.R. 42 by Carriker Education
Directing the Coordinating Board to study all issues and concerns relating to the nursing shortage.

S.C.R. 43 by Barrientos Administration
Establishing a Statewide Media Task Force on Dropout Prevention.

CO-AUTHOR OF SENATE BILL 69

On motion of Senator Green and by unanimous consent, Senator Henderson will be shown as Co-author of **S.B. 69**.

CO-AUTHOR OF SENATE RESOLUTION 99

On motion of Senator Uribe and by unanimous consent, Senator Truan will be shown as Co-author of **S.R. 99**.

CO-AUTHOR OF SENATE BILL 29

On motion of Senator Barrientos and by unanimous consent, Senator Johnson will be shown as Co-author of **S.B. 29**.

CO-AUTHOR OF SENATE BILL 376

On motion of Senator Brown and by unanimous consent, Senator Santiesteban will be shown as Co-author of **S.B. 376**.

CO-AUTHOR OF SENATE BILL 162

On motion of Senator Leedom and by unanimous consent, Senator Zaffirini will be shown as Co-author of **S.B. 162**.

CO-AUTHORS OF SENATE BILL 119

On motion of Senator Edwards and by unanimous consent, Senators Carriker and Dickson will be shown as Co-authors of **S.B. 119**.

GUEST PRESENTED

Senator Sims was recognized and presented Dr. John D. Davis of Kerrville.

Dr. Davis, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

SENATE RESOLUTION 112

Senator Brooks offered the following resolution:

WHEREAS, Birthdays of our distinguished members are happy occasions and worthy of our attention; and

WHEREAS, Today marks that noteworthy event of one of our talented and comely senators, Judith Zaffirini; and

WHEREAS, One of our newest colleagues, she hails from a large 20-county district that represents a varied and complex region which benefits from her quiet manner and steady hand; and

WHEREAS, As a former teacher and as a communications specialist with a wide range of experience in curriculum writing, administration, and teaching, she is destined to become one of our ablest and most accomplished members; and

WHEREAS, She is already well known for her expertise in rules and in parliamentary procedure and has won numerous national and state awards in recognition of her contributions to the professional, educational, civic, political, and public affairs arenas; and

WHEREAS, Representing an area where the issues of jobs, economic development, education, and health services present tremendous problems to be solved, she has tackled all of these with skill and sensitivity to the ever-present needs of her constituents; and

WHEREAS, Long active in the Democratic Party, she has distinguished herself by serving as Vice-Chair of the Texas Democratic Party and on both state and national Democratic committees; and

WHEREAS, A native of Laredo, Mrs. Zaffirini attended Laredo Junior College and the University of Houston before receiving her bachelor of science, master of arts, and Ph.D. degrees from The University of Texas; and

WHEREAS, Married to Carlos M. Zaffirini and the loving mother of Carlos, Jr., she receives their wholehearted support and understanding in her challenging and demanding work; and

WHEREAS, The battle against substance abuse and the needs of the mentally ill, the mentally retarded, and senior citizens do not escape her careful attention as she strives to improve the conditions of those in need; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby extend happy birthday greetings to Senator Judith Zaffirini on the occasion of her birthday; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Senator Zaffirini as a token of respect and admiration from the Texas Senate.

The resolution was read and was adopted viva voce vote.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
February 9, 1989

**TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
SEVENTY-FIRST LEGISLATURE, REGULAR SESSION:**

Pursuant to Article III, Section 5 of the Texas Constitution, I hereby designate as an emergency matter legislation relating to providing appropriations for the Public Integrity Unit of the District Attorney's Office for the 53rd Judicial District, Travis County for state motor fuel tax investigations and prosecutions.

February 13, 1989

Pursuant to Article III, Section 5 of the Texas Constitution, I hereby designate as an emergency matter legislation relating to an appropriation for the Pecos River Compact Commission to provide for costs associated with the River Master, the Special Master, and technical experts in the lawsuit Texas V. New Mexico.

Respectfully submitted,
/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
February 13, 1989

TO THE SENATE OF THE SEVENTY-FIRST LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE AGRICULTURAL DIVERSIFICATION BOARD, FOR TERMS TO EXPIRE JANUARY 1, 1991:

Mr. Walter Sheridan Harpool
1921 Laurelwood
Denton, Texas 76201

Mr. Harpool is being reappointed.

Mr. George Ben Mathers, Jr.
P. O. Box 668
Canadian, Texas 79014

Mr. Mathers is being reappointed.

Mr. Milton Jay Anderson
Route 1, Box 62
East Bernard, Texas 77435

Mr. Anderson is being reappointed.

Ms. Mary Lou Grier
P. O. Box 609
Boerne, Texas 78006

Ms. Grier is being reappointed.

TO BE MEMBERS OF THE TEXAS AGRICULTURAL FINANCE AUTHORITY, BOARD OF DIRECTORS, FOR TERMS TO EXPIRE JANUARY 1, 1991:

Mr. John E. Birdwell, Jr.
4901 21st Street
Lubbock, Texas 79407

Mr. Birdwell is being reappointed.

Mr. Jerry Harris
400 N. Avenue V
Lamesa, Texas 79331

Mr. Harris is being reappointed.

Mr. Othal E. Brand, Jr.
1515 Wisteria
McAllen, Texas 78504

Mr. Brand is being reappointed.

TO BE A MEMBER OF THE LOWER COLORADO RIVER AUTHORITY,
BOARD OF DIRECTORS, FOR A TERM TO EXPIRE FEBRUARY 1, 1995:

Mr. Charles Patrick Oles, Jr.
1502 Hardouin
Austin, Texas 78703

Mr. Oles is being reappointed.

TO BE A MEMBER OF THE TEXAS COMMISSION FOR THE DEAF, FOR
A TERM TO EXPIRE JANUARY 31, 1995:

Mr. Donald Howard England
9114 Balcones Club Drive
Austin, Texas 78750

Mr. England is being reappointed.

TO BE A MEMBER OF THE STATE HISTORICAL COMMISSION, FOR A
TERM TO EXPIRE FEBRUARY 1, 1995:

Mr. John M. Bennett
238 West Craig Place
San Antonio, Texas 78212

Mr. Bennett is being reappointed.

TO BE PUBLIC COUNSEL, DIVISION OF CONSUMER PROTECTION,
STATE BOARD OF INSURANCE, FOR A TERM TO EXPIRE FEBRUARY
1, 1991:

Ms. Katherine Doughty
4503 Shoal Creek Blvd.
Austin, Texas 78756

Ms. Doughty is being reappointed.

Respectfully submitted,
/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

SENATE BILL 164 REREFERRED

On motion of Senator Parker and by unanimous consent, **S.B. 164** was withdrawn from the Committee on Economic Development and rereferred to the Committee on State Affairs.

SENATE BILL 137 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 137, Relating to the authority of a municipality to remedy unhealthy conditions existing on a lot in the municipality.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 137 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 137** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Lyon, Santiesteban, Washington.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 52 ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 52, Relating to the dates and places of meetings in regular terms of the commissioners court of a county.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 52 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 52** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Lyon, Santiesteban, Washington.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 69 ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 69, Relating to designating and marking Beltway 8 as the Sam Houston Parkway.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 69 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 69** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Lyon, Santiesteban, Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent: Lyon.

**COMMITTEE SUBSTITUTE
SENATE BILL 26 ON THIRD READING**

On motion of Senator Washington and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its third reading and final passage:

C.S.S.B. 26, Relating to the expunction of arrest records.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent: Lyon.

GUESTS PRESENTED

Senator Green was recognized and introduced his guests for today: his father, Garland Green; step-mother, Dorothy Green; step-sister, Jill Wesley and sister-in-law, Edith Williams.

The Senate welcomed these guests.

SENATE BILL 121 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 121, Relating to issuance of personalized prestige license plates.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 121 ON THIRD READING

Senator Armbrister moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 121** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

MOTION TO PLACE SENATE RESOLUTION 2 ON SECOND READING

Senator Truan moved to suspend the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution to take up for consideration at this time:

S.R. 2, Urging the Public Utility Commission to promptly docket for hearing the Original Petition filed by the Office of Public Utility Counsel on January 17, 1988, to ascertain the amount of overcharges.

On motion of Senator Truan, the motion was withdrawn.

SENATE BILL 119 ON SECOND READING

On motion of Senator Edwards and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 119, Relating to the designation of April 9 as "Former Prisoners of War Recognition Day."

The bill was read second time.

Senator Edwards offered the following amendment to the bill:

Amend **S.B. 119** as follows:

On page 1, line 6, strike “Americans” and substitute “persons”.

The amendment was read and was adopted viva voce vote.

On motion of Senator Edwards and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 119 ON THIRD READING

Senator Edwards moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 119** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 79 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 79, Relating to an automobile allowance for district judges.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 79 ON THIRD READING

Senator Uribe moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 79** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE

SENATE CONCURRENT RESOLUTION 6 ON SECOND READING

Senator Armbrister asked unanimous consent to suspend the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution to take up for consideration at this time:

C.S.S.C.R. 6, Requesting the Federal Energy Regulatory Commission to reconsider the agreement allowing natural gas pipeline construction between Canada and the United States until the mismatched rate problem is resolved.

There was objection.

Senator Armbrister then moved to suspend the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution and take up **C.S.S.C.R. 6** for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Parker, Washington.

The resolution was read second time and was adopted viva voce vote.

RECORD OF VOTES

Senators Parker and Washington asked to be recorded as voting "Nay" on the adoption of the resolution.

SENATE RESOLUTION 2 ON SECOND READING

The President laid before the Senate on its second reading:

S.R. 2, Urging the Public Utility Commission to promptly docket for hearing the Original Petition filed by the Office of Public Utility Counsel on January 17, 1988, to ascertain the amount of overcharges.

The resolution was read second time.

Senator Truan offered the following committee amendment to the resolution:

Amend **S.R. 2** by striking paragraphs 6, 7 and 8 in their entirety.

The committee amendment was read and was adopted viva voce vote.

Senator Brooks offered the following amendment to the resolution:

Amend **S.R. 2** by striking the words "docket for hearing" where they appear on Line 7 of Page 2 of the printed copy of the resolution, and substituting in lieu thereof the following: "consider and act on".

The amendment was read and was adopted viva voce vote.

The resolution as amended was adopted viva voce vote.

SENATE BILL 326 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 326, Relating to the length of the primary term of oil and gas leases issued on Permanent University Fund Lands by the Board of Lease for University Lands.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 326 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 326** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

SENATE BILL 210 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 210, Relating to the presence in the grand jury room of the attorney representing the state.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 210 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 210** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

SENATE BILL 232 ON SECOND READING

On motion of Senator Truan and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 232, Relating to special license plates for Pearl Harbor survivors.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Amend **S.B. 232** by striking Sec. 5j(d), lines 8-14 on page 2, and substituting the following:

(d) The fee for registration under this section and the issuance of a set of special license plates is \$3 for each year a vehicle is registered. A vehicle registered under this section is exempt from the regular annual license fee for registration of the vehicle, and the county road and bridge tax if it exists. The department shall submit all fees for registration under this section to the state treasurer for deposit in the state highway fund.

The amendment was read and was adopted viva voce vote.

On motion of Senator Truan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 232 ON THIRD READING

Senator Truan moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 232** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

MEMORIAL RESOLUTION

S.R. 109 - By Sims, Brooks: In memory of Mrs. Irma Lawler Woodard of Junction.

CONGRATULATORY RESOLUTION

S.R. 110 - By Carriker: Extending congratulations to the members, coaches and the parents of the Munday High School boys and girls on winning State Championships at the University Interscholastic League State Track and Field Meet.

RECESS

On motion of Senator Brooks, the Senate at 12:11 p.m. took recess until 10:00 a.m. tomorrow.

APPENDIX

Signed by Governor
(February 9, 1989)

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Sent to Governor
(February 13, 1989)

S.C.R. 29
S.C.R. 34

TWELFTH DAY

(Continued)

(Tuesday, February 14, 1989)

AFTER RECESS

The Senate met at 10:00 a.m. and was called to order by the President.

ESCORT COMMITTEE APPOINTED

In accordance with the provisions of **H.C.R. 32**, the President announced the appointment of the following as a Committee to Escort Chief Justice Tom Phillips to the Joint Session: Senators Caperton, Glasgow, McFarland, Washington and Uribe.

REPORTS OF STANDING COMMITTEES

By unanimous consent, Senator Harris submitted the following report for the Committee on Economic Development:

C.S.S.B. 165

By unanimous consent, Senator Montford submitted the following report for the Committee on State Affairs:

C.S.S.C.R. 5
C.S.S.B. 53
C.S.S.B. 294

SENATE BILLS ON FIRST READING

On motion of Senator Johnson and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 498 by Johnson Intergovernmental Relations
Relating to search warrants for fire, health, or building safety inspections.

S.B. 499 by Brooks Intergovernmental Relations
Relating to credit in the Texas Municipal Retirement System for service performed before the participation date of a participating municipal department.

S.B. 500 by Barrientos, Truan Education
Relating to permitting students who drop out and return to school during the same school year to earn class credit that school year.

S.B. 501 by Parker Education
Relating to the composition of the board and to the continuation and functions of the Texas Guaranteed Student Loan Corporation.

S.B. 502 by Parker Education
Relating to the annexation of unaccredited school districts.

S.B. 503 by Parker Education
Relating to the size of certain public school classes.

S.B. 504 by Edwards, Carriker, Parmer, Zaffirini Education
Relating to the establishment of a tuition grant program for dependent children of certain public school teachers.

S.B. 505 by McFarland State Affairs
Relating to the continuation and functions of the office of Multistate Tax Compact Commissioner for Texas.

S.B. 506 by McFarland Health and Human Services
Relating to the continuation, powers, and duties of the Interagency Council for Genetic Services.

S.B. 507 by McFarland Health and Human Services
Relating to the approval and supervision of state employee health programs.

S.B. 508 by McFarland State Affairs
Relating to the continuation, composition, powers, and duties of the Texas Surplus Property Agency and the disposition of surplus and salvage property.

S.B. 509 by McFarland Jurisprudence
Relating to certain acts of public accountants.

S.B. 510 by Tejeda Intergovernmental Relations
Relating to the application of the Neighborhood Nuisance Abatement Act.

S.B. 511 by Tejeda Criminal Justice
Relating to the offenses of engaging in organized criminal activity, engaging in racketeering activity, and collection of unlawful debts; to the prosecution and punishment of those offenses; and to civil remedies, including forfeiture and injunctive relief, for prohibited activities.

S.B. 512 by Santiesteban Natural Resources
Relating to the boundary of and the re-inclusion of certain land in the Franklin Mountains State Park.

S.B. 513 by Parker, Parmer State Affairs
Relating to the establishment of a college and university savings bonds program; the designation of certain veterans land bonds and veterans housing assistance bonds as college and university savings bonds.

S.B. 514 by Brooks Education
Relating to limitations on the authority of the State Purchasing and General Services Commission to acquire certain materials, supplies, and equipment for hospitals operated by university systems or institutions of higher education.

S.B. 515 by Brooks Health and Human Services
Relating to eligible institutions that can establish cooperative associations.

S.B. 516 by Henderson Finance
Relating to exempting oil produced from marginally economic leases and gas produced from marginally economic wells from production taxes.

CO-AUTHOR OF SENATE BILL 66

On motion of Senator Whitmire and by unanimous consent, Senator Brown will be shown as Co-author of **S.B. 66**.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 32
H.C.R. 65
H.C.R. 75

SENATE RESOLUTION 113

Senator Brooks offered the following resolution:

WHEREAS, It is a great honor for the Senate of the State of Texas to express congratulations to Ida Freeman Levinson on her 84th birthday; and

WHEREAS, This eminent chemist has had an exceptional career in her chosen field and has distinguished herself over a period spanning 50 years; and

WHEREAS, The daughter of Lithuanian immigrants, she was born on Valentine's Day, 1905, and brought distinction to herself early as the first woman ever awarded a degree in chemistry from Rice Institute in 1926; and

WHEREAS, At 26 years of age, she was one of the youngest and one of the first women to be named Director of the Houston Health Department; and

WHEREAS, As director during Prohibition and the Depression, Mrs. Levinson was responsible for testing foods, water, and other elements for evidence of disease; she was involved in helping the Houston police department solve crimes and in developing innovative laboratory techniques which are still in use today; and

WHEREAS, Widely published in professional journals, Mrs. Levinson has held offices in the Altrusa Club and the Eastern Star and has served as president of the Texas Society of Clinical Laboratories; and

WHEREAS, Despite the demands of a career already full of work and honor, she found time to help her husband, Ruben, manage their dry goods stores and to care for their daughter, Sue; and

WHEREAS, Retiring in 1979 as Chief Laboratory Technician at Jeff Davis Hospital, she devotes her time and energies to her grandchildren and to learning how to cook; and

WHEREAS, The State of Texas has benefitted enormously from the wisdom and expertise of this illustrious public servant; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby congratulate Ida Freeman Levinson on the occasion of her 84th birthday and express appreciation to her from the people of Texas; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her as a token of deepest respect and admiration from the Texas Senate.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

At the President's request, Mrs. Levinson, accompanied by her granddaughter, Robin Herskowitz, was escorted to the President's Rostrum by Senator Brooks.

The President presented Mrs. Levinson with an enrolled copy of S.R. 113.

SENATE RESOLUTION 120

Senator Washington offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pleasure in recognizing Congressman Mickey Leland for his many years of outstanding public service; and

WHEREAS, Congressman Leland returns to the Texas Senate to familiar faces and scenes as a former member of the Texas House of Representatives from 1973 to 1979; and

WHEREAS, Remembered as a rabble-rouser during his six years in the Texas House for wearing dashikis and expressing Marxist sympathies, he is currently known as an effective team player on the 27-member Texas Congressional delegation; and

WHEREAS, Elected to the United States House of Representatives in November, 1978, Congressman Leland has been reelected to each succeeding Congress as the representative for the 18th Congressional District; and

WHEREAS, The only Black in Congress from Texas, he began his United States House term as freshman majority whip for the 96th Congress in 1979-1980 and served with great distinction as majority whip at-large during the 97th and 100th congresses; and

WHEREAS, Long active in the Democratic Party, Congressman Leland was a member of the Democratic National Committee from 1976-1985; he served as chairman of the DNC's Black Caucus from 1981-1985 and on the DNC Executive Committee; and

WHEREAS, He is Chairman of the House Select Committee on Hunger whose mandate is to conduct a continuing comprehensive study and review of the problems of domestic and international hunger and malnutrition; and

WHEREAS, As an eloquent and passionate activist against hunger, Congressman Leland has reached national and international audiences; he helped pass an \$800 million emergency appropriation for the African famine relief; and

WHEREAS, Tireless in the crusade against the morally repugnant apartheid policies of South Africa, he continues to urge sanctions against its government; and

WHEREAS, A native of Lubbock, he was born on November 27, 1944; he graduated from Phyllis Wheatley High School in Houston in 1963 and from Texas Southern University in 1970 with a bachelor of science degree in pharmacy; and

WHEREAS, Sharing his interests and accomplishments are his devoted wife, Alison, and his son, Jarrett David; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby recognize Congressman Mickey Leland for his exemplary work on behalf of human and social justice and welcome him on his return to the Texas Senate; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as a memento of this special occasion from the Texas Senate.

WASHINGTON
JOHNSON

The resolution was read and was adopted viva voce vote.

SENATE CONCURRENT RESOLUTION 41

Senator Johnson offered the following resolution:

WHEREAS, The women of Texas, who are members of the National Organization of Black Elected Legislative Women (N.O.B.E.L./WOMEN), in accordance with their motto: "N.O.B.E.L. Women love our Youth-At-Risk: lifting as we climb," have declared the needs of youth-at-risk as a priority and are dedicated to lifting youth out of conditions which place them at risk; and

WHEREAS, N.O.B.E.L./WOMEN recognize that children of color are more likely to be at-risk than majority youth due to the fact that one in two black children is poor; that more than twice as many black youths are school dropouts as are white youths; that black youth suffer a 50 percent unemployment rate; that a decline in access to higher education exists; that blacks suffer nearly twice the rate of infant mortality as do whites; and that blacks are at greater risk of violence and death by violent acts, greater risk of substance abuse, and greater incidence of low self-esteem among other factors; and

WHEREAS, Teenage pregnancy affects both mother and child and continues the cycle of poverty; one of every 10 births is to a teenage mother; and this rate is doubled among black teenagers, 80 percent of whom will never finish high school and only one in 10 of whom will receive special assistance; and

WHEREAS, N.O.B.E.L./WOMEN have chosen to express their abiding concern and love for America's children in general and youth-at-risk in particular in the spirit of St. Valentine's Day; and

WHEREAS, N.O.B.E.L./WOMEN individually and collectively do hereby commit themselves to provide leadership in addressing these issues with colleagues, civil rights organizations, religious groups, women's organizations, community groups, and others; now, therefore, be it

RESOLVED, That the 71st Legislature of the State of Texas hereby join with N.O.B.E.L./WOMEN in calling upon all organizations and religious, fraternal, and civil rights groups to join these efforts and to develop a plan of action to reduce the risk under which thousands of our children, especially minority youth, live today; and, be it further

RESOLVED, That legislation be introduced and policies developed relative to prevention, intervention, rehabilitation, and allocation of resources to encourage and assist our youth in developing greater self-esteem, self-reliance, and higher aspirations; and, be it further

RESOLVED, That the week of February 13 through 19, 1989, be declared National Youth-At-Risk Week in Texas.

The resolution was read.

On motion of Senator Johnson and by unanimous consent, the resolution was considered immediately and was adopted viva voce vote.

GUEST PRESENTED

Senator Washington was recognized and presented Dr. Alan Blum of Houston.

The Senate welcomed Dr. Blum, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for his contributions today.

SENATE RESOLUTION 115

Senator McFarland offered the following resolution:

S.R. 115, Proclaiming February 14, 1989, as "Corrections Day" in the State of Texas.

The resolution was read and was adopted viva voce vote.

MOTION TO ADJOURN

On motion of Senator Brooks and by unanimous consent, the Senate at 10:24 a.m. agreed to adjourn at the conclusion of the Joint Session until 11:00 a.m. tomorrow.

JOINT SESSION

(To hear "State of the Judiciary" address by the Honorable Tom Phillips, Chief Justice of the Supreme Court of Texas)

The President announced the time had arrived for the Joint Session as provided for by **H.C.R. 32**.

The President of the Senate and the Senators present, escorted by the Secretary of the Senate and the Sergeant-at-Arms, proceeded to the Hall of the House of Representatives at 10:30 a.m. to hear the address of Chief Justice of the Supreme Court, Tom Phillips.

The President was announced and, on invitation of the Speaker, occupied a seat on the Speaker's Rostrum.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The Honorable Tom Phillips, Chief Justice of the Supreme Court of Texas, accompanied by his party, was announced by the Doorkeeper of the House.

Chief Justice Phillips' party was escorted to the Speaker's Rostrum by Senators Caperton, Glasgow, McFarland, Washington and Uribe on the part of the Senate and Representatives Craddick, Arnold, Barton, Cavazos, Danburg, Evans, Pennington, Richardson, Shine and Yost on the part of the House.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Gib Lewis, Speaker of the House of Representatives, called the House to order, announced a quorum of the House present and stated the purpose of the Joint Session.

Speaker Lewis then introduced platform guests the Honorable William P. Clements, Jr., Governor of the State of Texas, and the Honorable Michael J. McCormick, Presiding Judge, Court of Criminal Appeals.

Upon introduction by Speaker Lewis, Chief Justice Phillips addressed the Joint Session. (Text of Chief Justice Phillips' address printed in the House Journal of February 14, 1989)

At the conclusion of Chief Justice Phillips' address, Speaker Lewis acknowledged the presence of justices of the Supreme Court, judges of the Court of Criminal Appeals, chief justices and justices of the Courts of Appeals and other distinguished members of the judiciary.

MEMORIAL RESOLUTION

S.R. 114 - By Dickson: In memory of R. S. Moseley of Rochelle.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 111 - By Zaffirini: Extending welcome to the 100 young vocalists from Uvalde, Seguin and West San Antonio celebrating Public Health Day in Texas by performing in the Capitol Rotunda.

S.R. 116 - By Green: Extending congratulations to Eddie Barrett of Barrett Station on retiring from Shell Oil Company after 40 years of service.

S.R. 117 - By Henderson: Extending congratulations to Stuart Bush on achieving the rank of Eagle Scout.

S.R. 118 - By Henderson: Extending congratulations to Mitchell Sadler on achieving the rank of Eagle Scout.

S.R. 119 - By Henderson: Extending congratulations to Gregory Corinth on achieving the rank of Eagle Scout.

S.R. 121 - By Bivins: Extending congratulations to Rufe Jordan of Pampa for his 38 years of service as sheriff of Gray County.

S.R. 122 - By Bivins: Extending congratulations to Captain Robert Max Russell of Amarillo on retiring from the Department of Public Safety after more than 35 years of service.

S.R. 123 - By Johnson: Extending congratulations to the Alpha Xi Omega Chapter of Alpha Kappa Alpha Sorority, Incorporated, Dallas, on its 60th anniversary.

ADJOURNMENT

The President announced the purpose of the Joint Session had been accomplished and declared the Senate at 10:54 a.m. would stand adjourned until 11:00 a.m. tomorrow in accordance with a motion previously adopted by the Senate.

THIRTEENTH DAY (Wednesday, February 15, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.